IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.14716 of 2008
LAL BAHADUR DAS
Versus
STATE OF BIHAR
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2 9.5.2008 Heard Counsel for the petitioner and the A.P.P. representing the State.

This is an application for bail under Section 302, 201, 120(B)/34 of the Indian Penal Code. The petitioner is not named in the First Information Report and his name, in the submission of the counsel for the petitioner, has transpired during confessional statement of co-accused. He says that beyond this, there is no material on record and in fact there is no eyewitness to alleged offence of murder.

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From perusal of the First Information Report, it is clear that the Informant is not an eye witness and this case has been instituted after the Informant raised finger of suspicion on Banahi Devi and her son-in-law Lalan Das.

Taking aforementioned facts into consideration as also the fact that the similarly situated person Musuri Das @ Mushri Das who was also not named in the First Information Report and whose name is said to have surfaced in the confessional statement of the co-accused, has already been granted bail by this Court in Cr. Misc. No. 4345 of 2008 by an order dated 7.3.2008 (as stated in paragraph no. 14 of this bail application) and also that

there is no criminal antecedent of the petitioner, this Court directs the petitioner Lal Bahadur Das to be released on bail in connection with Jurawanpur P.S. Case No. 53 of 2007 on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur (Dist. Vaishali). It is however made clear that one of the bailers must be either wife or mother of the petitioner.

Rsh (Mihir Kumar Jha, J.)

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